Allison, Melissa

From: Bennett, John
Sent: Tuesday, December 07, 2004 6:21 PM
To: 'Moss, David M'
Cc: Scott, Thane; Dowling, Ruth
Subject: RE: Shareholder/CCBN

David:

Twice we notified you that if defendants did not agree to de-designate their documents by last Friday, December 2nd, we would proceed with the filing of a motion. Our preparation of the motion is now complete and I have attached a copy of the memorandum in support of the motion for your review. Absent a satisfactory response from CCBN, we will file the motion at 2 p.m. tomorrow. We do not intend for such a filing to foreclose future discussions on this topic, but our discovery and trial preparation efforts have been hampered for long enough, particularly now that the fact discovery cutoff in this case is fast approaching. The many exchanges we have had on this topic over the course of the past month have exhausted our obligation to meet and confer, and we are prepared to move forward in seeking assistance from the Court unless defendants can cure this problem. I am available for a brief telephone conference at 12:30 p.m. tomorrow.

-----Original Message-----
From: Moss, David M [mailto:DMoss@goodwinprocter.com]
Sent: Tuesday, December 07, 2004 2:05 PM
To: Bennett, John
Subject: Shareholder/CCBN

John: I'd like to discuss the confidentiality designation issues with you if you are available later today or early tomorrow. I am hoping that we can resolve many of the outstanding issues. Let me know if there's a time that works for you. Thanks.

David M. Moss
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4/7/2005

reply e-mail and delete this message. Thank you.
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